

HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLICATION NO. 628 OF 1990

Date of decision:7.11.1995.

For approval and signature

The Honourable Mr. Justice S.M.Soni

and

The Honourable Mr. Justice R.R.Jain

Mr. A.Y. Pathan, advocate for petitioner.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram:S.M.Soni & R.R.Jain,JJ

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November 7, 1995.

Oral judgment (Per Soni, J.)

Learned advocates for the parties are absent.

This application is filed for taking action for non-compliance of the order passed by this court dated 12.10.1989. By that order, the court has only observed as under:

"If the petitioner has any grievance with regard to other items lying in the shed, the petitioner may make representation to the appropriate office of the respondent Corporation. If and when such representation is made, we hope and trust that the same will be considered sympathetically and immediately."

It is clear from the letter of the advocate addressed to the respondent dated 25.10.1989 that their representation was acknowledged and complied with, according to them. According to the petitioner, his request stated in paras 3,4 and 5 of the representation, Annexure B, has not been complied with. If one reads the order passed by this court and paras 3, 4 and 5 of the representation, it cannot be said that the respondent is required to comply with the same in any manner. Respondent has considered the representation. That does not mean that they are required to grant the same. Considering the representation and supplying copy of the statement of account and non-compliance with other facts stated in the representation amounts to rejection of the same. If the respondent has rejected the representation to certain extent, it does not amount to non-compliance of the court's order much less deliberately. Hence, in our opinion, case of the petitioner does not fall within the purview of definition of clause 10 (ii) (b) of the

Contempt of Courts Act and the petition deserves to be dismissed. Hence, the petition is dismissed. Rule discharged. No order as to costs.